



20 DEC 2005

22428  
FOLEY AND LARDNER  
Suite 500  
3000 K Street NW  
Washington, DC 20007

In re Application of :  
KAUL, Vijay Kumar *et al* :  
Application No.: 10/508,995 :  
PCT No.: PCT/IB02/01205 :  
Int. Filing Date: 25 March 2002 :  
Priority Date: 25 March 2002 :  
Attorney Docket No.: 056859-0201 :  
For: ESSENTIAL OIL WITH CITRONELLOL :  
AND ROSE OXIDES ... :

**DECISION**

This is a decision on the declaration filed on 21 October 2005 which has been treated under 37 CFR 1.42. No fee is required.

**BACKGROUND**

On 21 March 2005, the United States Designated/Elected Office (DO/EO/US) mailed a Notification of Missing Requirements indicating that a declaration in compliance with 37 CFR 1.497(a) and (b) was required.

On 21 October 2005, applicants filed a response which was accompanied by, *inter alia*, five-month extension and fee and a declaration executed by five of the six joint inventors.

**DISCUSSION**

The declaration filed with the national stage papers is executed by five of the six named inventors. The fifth named inventor (Hans Raj Negi) is listed as deceased.

37 CFR 1.42 *When the Inventor is Dead*, states, in part:

In case of the death of the inventor, the legal representative (executor, administrator, etc.) of the deceased inventor may make the necessary oath or declaration, and apply for and obtain the patent.

In this case, a legal representative or heir(s) of the deceased inventor must execute the declaration for the deceased inventor. It is also noted that the citizenship, residence and address of the legal representative(s) must be recorded on the

declaration pursuant to 37 CFR 1.497(b)(2).

Hence, the declaration filed 21 October 2005 does not comply with 37 CFR 1.497(a) & (b).

### **CONCLUSION**

For the reason listed above, applicants' petition under 37 CFR 1.42 is **DISMISSED** without prejudice.

Applicants are required to provide an oath or declaration in compliance with 37 CFR 1.497(a) and (b) within a time limit of **TWO (2) MONTHS** from the mail date of this decision. Extension of time may be granted under 37 CFR 1.136(a).

Any further correspondence with respect to this matter deposited with the United States Postal Service should be addressed to the Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



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